

## Panama Canal Regulations

## § 70.9

written data, views or arguments with or without oral presentation.

(d) *Panel* means the members of the Board of the Panama Canal Commission, who are designated by the Chairman of the Board to conduct a hearing in accordance with § 70.9.

(e) *Party* includes an individual, partnership, corporation, association, or public or private organization other than an agency of the United States Government.

### § 70.3 Official language.

Hearings, arguments, views, and other data provided for by these rules shall be in the English language.

### § 70.4 Publication of notice.

The Commission shall publish in the FEDERAL REGISTER notice of any proposed change in the rules of measurement or rates of tolls. Such notice must be published at least 30 days prior to the date of the public hearing referred to in § 70.8.

### § 70.5 Contents of notice.

The notice referred to in § 70.4 shall include:

- (a) The substance of the proposed change;
- (b) A statement of the time, place, and nature of the proceedings; and
- (c) A statement of the time by which interested parties must submit the notices of appearance required by § 70.10.

### § 70.6 Analysis for public use.

At the time of publication of the notice referred to in §§ 70.4 and 70.5, the Commission shall make available to the public an analysis showing:

- (a) The basis and justification for the proposed change, which, in the case of a change in the rates or tolls, shall indicate the conformity of the existing and proposed rates of tolls with the requirements of section 1602 of the Panama Canal Act of 1979; and
- (b) The Commission's full consideration of the following factors:
  - (1) The costs of operating and maintaining the Panama Canal;
  - (2) The competitive position of the use of the Canal in relation to other means of transportation;

(3) The interests of the United States and the Republic of Panama in maintaining their domestic fleets;

(4) The impact of such a change in rates of tolls on the various geographical areas of each of the two countries; and

(5) The interests of both countries in maximizing their international commerce.

### § 70.7 Data filed by interested parties.

After notice required by § 70.4, interested parties shall be given the opportunity to participate in the change in the rules of measurement or rates of tolls through submission of written data, views, or arguments, which shall be filed with the Secretary of the Commission within the time prescribed in the notice. Copies of such data or other materials shall be available for distribution to other interested parties on payment of the cost prescribed by the Commission.

### § 70.8 Hearing.

Interested parties shall have the opportunity to participate in a hearing which shall be held not less than 30 days after the date of publication of the notice required by § 70.4. Such hearing shall be held at the time and place prescribed in the notice. In fixing the time and place for the hearing, due regard shall be had for the convenience of the parties and their representatives. Parties appearing at such hearing may present data supplementary to any material already submitted by them, or any oral argument or statement concerning the rules of measurement or tolls, as appropriate. Upon presentation of such supplementary data, arguments, or statements, the panel may request further information or clarification.

### § 70.9 Hearing panel.

One or more members of the Board shall be designated by the Chairman of the Board as a panel to conduct the hearing. If two or more members are so designated, one shall be appointed by the Chairman of the Board to act as Chairman of the Panel.